

OCSPP - ASBESTOS

BACKGROUND

- EPA is reviewing asbestos as one of the first 10 chemicals for risk evaluation under amended TSCA. The scope of the asbestos risk evaluation was published in June 2017.
- Asbestos is a substance of concern being addressed at both the state and federal level. Existing federal (EPA, OSHA, CDC), and state requirements help ensure proper management and safe disposal of asbestos-containing building material.
- EPA bans of certain asbestos products went into effect after August 1990, and August 1996. EPA also prohibited the manufacture, importation or processing of uses of asbestos not identified in 40 CFR 763.165, after August 25, 1989 (40 CFR part 763, subpart I).
- Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations specify work practices for asbestos during demolition and renovation of all structures, installations, and buildings with an exclusion for residential buildings with four or less dwelling units. These standards are designed to minimize the release of asbestos during building demolition or renovation, waste packaging, transportation and disposal.
- Asbestos Hazard Emergency Response Act (AHERA) (TSCA Title II) prevents or reduces asbestos hazards in school buildings.
- Occupational Safety and Health Administration (OSHA), as well as NESHAP, requirements prevent or reduce asbestos exposure in the workplace.
- Additional state and local regulations extend beyond the federal requirements to address asbestos in buildings, including single family homes

ISSUES

- Legacy Uses: EPA has received criticisms regarding exclusion of ‘legacy’ uses during evaluation of existing chemicals. Asbestos is an example where this concern arises.
 - Many legacy uses are asbestos materials found in homes, however, TSCA generally does not give EPA the authority to regulate the non-commercial use of items already within a home.
 - EPA has extensive guidance for homeowners to provide tools and information to protect themselves: [[HYPERLINK "https://www.epa.gov/asbestos/protect-your-family"](https://www.epa.gov/asbestos/protect-your-family)]
 - Existing federal and state regulations address asbestos exposure from legacy uses in all buildings with more than four dwelling units.
 - EPA’s actions on asbestos will *prevent future legacy* issues with asbestos by promulgating a Significant New Use Rule (SNUR) to ensure that no new uses are initiated without EPA’s review.
 - EPA believes TSCA is best suited to address uses for which a chemical is currently being manufactured, processed, or distributed, and will conduct a risk evaluation focusing on asbestos currently being manufactured, imported, processed or distributed.

TIMELINE

- June 22, 2017 – Scope of asbestos risk evaluation published
- June 1, 2018 – Publication of problem formulation and proposed SNUR
- July 24, 2018 – Public comment period ends for problem formulation
- August 10, 2018 – Public comment period ends for SNUR
- September/ October 2018 – Final SNUR and draft risk evaluation
- December 2018 – Public comment on draft risk evaluation
- December 2019 – Publication of risk evaluation for asbestos